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7 LAMONT N. MOORE,  
8 Petitioner,  
9 v.  
10 MATTHEW MCVAY,  
11 Respondent.

Case No. [22-cv-02747-JST](#)

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28 **ORDER ADDRESSING POST-  
JUDGMENT PLEADING**

Re: ECF No. 14

Petitioner, an inmate at Valley State Prison in Chowchilla, California, filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction and sentence from Alameda County Superior Court. ECF No. 1. On March 15, 2023, the Court denied the habeas petition on the merits, denied a certificate of appealability, and entered judgment in favor of Respondent. ECF Nos. 12, 13. On July 28, 2023, Petitioner filed a pleading titled “Amended Petition Nunc Pro Tunc.”<sup>1</sup> ECF No. 14. This case is closed. If Petitioner seeks further relief in this action, he must first move to set aside the judgment in this action and reopen this action. If Petitioner seeks to bring new claims to challenge his conviction, he must first obtain

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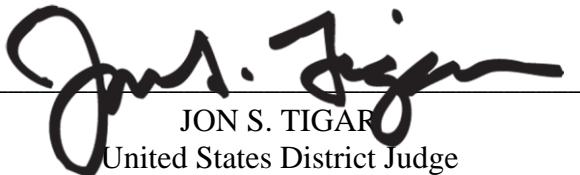
<sup>1</sup> Petitioner states that he did not receive the Court’s March 15, 2023 Order denying the petition on the merits and is submitting the amended petition docketed at ECF No. 14 because “A NUNC PRO TUNC wasn’t given in which [he is] submitting [his] amendment to the best of [his] limited resources.” ECF No. 14 at 7. The phrase “nunc pro tunc” refers to court action taken retroactively. On November 9, 2022, the Court dismissed the following claims in the petition with leave to amend: the guilty plea was the product of ineffective assistance of counsel and the prosecution withheld favorable evidence. *See generally* ECF No. 4. The Court ordered that any amended petition must be filed by December 7, 2022. *Id.* Petitioner requested an extension of time to file an amended petition, ECF No. 6, and filed a proposed amended petition on January 6, 2023. In ECF No. 12, the Court granted *nunc pro tunc*, i.e. retroactively, the extension of time requested in ECF No. 6, and deemed timely filed the proposed amended petition filed on January 6, 2023. The Court’s March 15, 2023 *nunc pro tunc* grant of an extension of time to file an amended petition did not grant Petitioner leave to file a second amended petition.

1 authorization from the Ninth Circuit Court of Appeals to find a second or successive petition. 28  
2 U.S.C. § 2244(b)(2).

3 The Clerk is directed to send Petitioner courtesy copies of ECF Nos. 12, 13, and two  
4 copies of the Court's form petition for a writ of habeas corpus.

5 **IT IS SO ORDERED.**

6 Dated: January 5, 2024



JON S. TIGAR  
United States District Judge

United States District Court  
Northern District of California

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